



Order Filed on November 15, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

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In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,¹

Debtor.

Chapter 11

Case No. 19-27439 (MBK)

**INTERIM ORDER DENYING MOTION OF JOFFE LUMBER & SUPPLY CO., INC.
TO THE EXTENT IT SEEKS AN ORDER THAT THE AUTOMATIC STAY IS
TERMINATED AS TO JOFFE LUMBER & SUPPLY CO., INC. FOR CAUSE
PURSUANT TO 11 U.S.C. § 362(D)(1) IN CONNECTION WITH
THE ACCORDIA PROJECT AND SCHEDULING A FINAL HEARING**

The relief set forth on the following pages, numbered two (2) through and including four (4), is hereby **ORDERED**.²

DATED: November 15, 2019

Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: Interim Order Denying Motion of Joffe Lumber & Supply Co., Inc. to the Extent It Seeks an Order That the Automatic Stay is Terminated as to Joffe Lumber & Supply Co., Inc. for Cause Pursuant to 11 U.S.C. § 362(d)(1) in Connection with the Accordia Project and Scheduling a Final Hearing

Upon the motion of Joffe Lumber & Supply Co., Inc. ("Joffe"), for entry of an Order (I) confirming that the automatic stay is not applicable to (a) the Vestry GC Contract and the Vestry Project, and (b) Joffe's entry into a contract with the Vestry Project Owner to perform certain construction services, work, material, goods and/or equipment to the Vestry Project Owner on the Vestry Project and receive payment from the Vestry Project Owner for pre-petition amounts due and owing to Joffe and for post-petition amounts that become due and owing to Joffe under the contract with the Vestry Project Owner (the "Vestry Project Relief"); and (II) terminating the automatic stay as to Joffe for "cause" pursuant to 11 U.S.C. § 362(d)(1) to permit Joffe to exercise all of its rights and remedies under New Jersey law to enforce its Accordia Construction Lien against the Accordia Project Owner and the Accordia Property, including, but not limited to, permitting Joffe to (a) demand and collect payment of the Accordia Project Total Amount Due from the Accordia Project Owner in satisfaction of the Accordia Construction Lien; and (b) commence an action against the Accordia Project Owner under New Jersey Construction Lien Law to enforce its Accordia Construction Lien (the "Accordia Project Relief") (the "Motion") [Docket No. 248]; and it appearing that the Court has jurisdiction over this matter; and it appearing that due notice of the Motion as set forth therein is sufficient under the circumstances, and that no other or further notice need be provided; and the Court having reviewed the opposition to the Motion filed by the Debtor [Docket No. 407]; and the Court having held a hearing on November 7, 2019 on the Motion (the "Hearing") and having heard the arguments of counsel; and after due deliberation and sufficient cause appearing therefore, and for the reasons set forth on the record at the Hearing;

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Debtor: Hollister Construction Services, LLC

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IT IS HEREBY ORDERED as follows:

1. Joffe's Motion is **DENIED ON AN INTERIM BASIS** with respect to the Accordia Project Relief.

2. A final hearing to consider the Motion with respect to the Accordia Project Relief is scheduled for December 12, 2019 at 10:00 A.M (the "Final Hearing").

3. The automatic stay will remain in effect with respect to Joffe in connection with the Accordia Project pending the conclusion of the Final Hearing pursuant to 11 U.S.C. § 362(e)(1) and the Court's entry of a subsequent order.

4. Notwithstanding anything to the contrary herein, the entry of this Interim Order is without prejudice to, and does not constitute a waiver of, expressly or implicitly, or otherwise impair: (a) Joffe's right to seek any other or supplemental relief in respect of the Accordia Project Relief; (b) Joffe's right to amend, modify or supplement its Motion and the grounds stated therein with respect to the Accordia Project Relief; (c) Joffe's rights under the Bankruptcy Code or under non-bankruptcy law in connection with the Accordia Project; (d) Joffe's right under the Bankruptcy Code to seek relief from the automatic stay of 11 U.S.C. § 362 under 11 U.S.C. §§ 362(d)(2), 362(d)(3), or 362(d)(4); and (e) any other rights, claims, or privileges (whether legal, equitable or otherwise) of Joffe. Joffe may amend, modify or supplement its Motion and the grounds stated therein with respect to the Accordia Project Relief at any time up to and until the conclusion of the Final Hearing.

5. The entry of this Interim Order is without prejudice to, and does not constitute a waiver of, expressly or implicitly, or otherwise impair the Debtor's right to assert objections to or otherwise oppose any request for other or supplemental relief, assertion of rights, claims, or privileges (whether legal, equitable or otherwise), or request to amend, modify or

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supplement the Motion and the grounds therein by Joffe under Paragraph 4 above. The Debtor may amend, modify or supplement its pending objection to the Accordia Project Relief section of the Motion at any time prior to or up to the conclusion of the Final Hearing.

6. This Order is effective upon its entry by the Court.